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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,069	09/27/2001	Mauro Dresti	81230.66USI	4927
34018	7590	12/12/2005	EXAMINER	
GREENBERG TRAUIG, LLP			TRAN, TRANG U	
77 WEST WACKER DRIVE			ART UNIT	
SUITE 2500			PAPER NUMBER	
CHICAGO, IL 60601-1732			2614	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/967,069	<b>Applicant(s)</b> DRESTI ET AL.	
	<b>Examiner</b> Trang U. Tran	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 03, 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed October 03, 2005 have been fully considered but they are not persuasive.

In re pages 9-10, applicants argue, that Tessier fails to disclose, teach, or suggest the desirability of transmitting from a display screen to a remote control, via screen flashes or any other means, information that functions to identify a currently tuned to channel, rather, Tessier discloses the desirability of transmitting from a display screen to a remote control, via screen flashes, control codes for use in controlling a controllable appliance, that Beery, like Tessier, fails to disclose, teach, or suggest the desirability of using screen flashes to convey channel identification information to a remote control, that Beery also fails to disclose, teach, or suggest the desirability of using information provided from a source outside of the remote control, e.g., a display using screen flashes to convey information that functions to specify a channel an appliance is currently tuned to, to populate the favorite channel scan list.

In response, the examiner respectfully disagrees. Tessier discloses in col. 3, lines 38-59 that “after selection of the desired appliances or other apparatus to be controlled from a list, **the associated control sequence data** is transmitted to the remote control in some manner such as by flashing a local light such as an LED on the local control box or region of the television screen, or the control sequence is transmitted to the remote control by infrared or other electromagnetic or ultrasonic energy for storage, as described earlier”, and Tessier also discloses in col. 3, lines 5-20 that “it is intended that **the control sequence data** can be in addition to or in substitution for control of various appliances, **the control of a VCR or equivalent to turn on and record a program or programs at a particular time or times on a particular channel or channels**”. From the above passages, it is clear that Tessier discloses the control sequence data is transmitting from a display screen to a remote control, via screen flashes or any other means, information that functions to identify a currently tuned to channel as recited in the independent claims 1, 5, 8, 12 and 16.

Additionally, as discussed in the last Office Action, applicants cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As recognized by applicants. Tessier discloses the desirability of transmitting from a display screen to a remote control, via screen flashes, control codes for use in controlling a controllable appliance and Tessier discloses in col. 7, lines 44-56 that the control sequences stored in the user terminal 18 related to a selected program or programs (channel identification information) can be transmitted from the terminal 18

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to the remote control 39 to be recorded, as described above, for storage in the remote control. Thus, Tessier does indeed disclose the claimed using screen flashes to convey channel identification information to a remote control and Tessier also discloses in the same col. 7, lines 44-56 the claimed desirability of using channel identification information conveyed using screen flashes to modify, update, or store channel identification information and Beery teaches the claimed favorite channel table. When Tessier and Beery are combined as proposed by the examiner, the claimed desirability of using channel identification information conveyed using screen flashes to modify, update, or store channel identification information in a favorite channel table of the remote control would be taught.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessier et al. (US Patent No. 5,629,868) in view of Beery (US Patent No. 5,963,269).

In considering claim 1, Tessier et al discloses all the claimed subject matter, note 1) the claimed a video system comprising: a video screen is met by the TV screen 27 (Fig. 1), 2) the claimed a screen generator connected to the video screen and comprising programming to flash the video screen to convey via a predetermined serial

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protocol channel identification information that functions to specify a channel that is currently being displayed on the video screen is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 3, line 5-59 and col. 5, line 1 to col. 6, line 50), 3) the claimed a remote control comprising: an optical receiver connected to receive the video screen flashes and convert them to an electrical signal is met by the light detector diode 47 (Fig. 1, col. 5, line 58 to col. 6, line 45), and 4) the claimed a controller connected to the optical receiver for decoding the electrical signal, to thereby store of the memory the channel identification information is met by the microcontroller 43 (Fig. 1, col. 5, line 58 to col. 6, line 45).

However, Tessier et al explicitly do not disclose the newly added limitations: a memory having a favorite channel table; and programming response to actuation of a favorite channel key which retrieves from the favorite channel table of the memory the channel identification information and which uses the channel identification information to cause a transmission of a command adapted to tune an appliance to the channel corresponding to the channel identification information.

Beery teaches that the remote control unit operates under control of its own processing unit 34, ROM 40 which includes the operating program used by the remote control in controlling the television receiver, as well as the stored, preset labels, and RAM 42 which serves to store the channels to be assigned to stored labels, as well as user labels programmed into the system (Fig. 2, col. 4, line 27 to col. 5, line 26), and

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another feature of the television controller of the present invention is the provision of "Favorite Channels", this feature comprises a shortened scanning list of the ten (or fewer) favorite or most watched channels of the television operator (Fig. 7, col. 15, line 25 to col. 17, line 62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the remote controller with programmable label favorite keys as taught by Beery into Tessier et al's system in order to allow quick access to preselected favorite channels or programs.

In considering claim 2, the claimed wherein the video screen is operably connected to flash light and dark screens is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

In considering claim 5, Tessier et al discloses all the claimed subject matter, note 1) the claimed transmitting from the remote control to a video system a channel identification request is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45), 2) the claimed receiving through an optical receiver in the remote control a series of video screen flashes is met by the light detector diode 47 which receives the flashing of the rectangle 49 (Fig. 1, col. 5, line 58 to col. 6, line 45), 3) the claimed decoding the series of video screen flashes to determine the channel identification is met by the microcontroller 43 (Fig. 1, col. 5, line

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58 to col. 6, line 45), and 4) the claimed wherein the channel identification functions to specify a channel that was being displayed on a video screen when the channel identification request was transmitted is met by the control sequence data (Fig. 1, col. 3, line 5-59).

However, Tessier et al explicitly do not disclose the claim modifying the favorite channel table in the remote control with the channel identification.

Beery teaches that the remote control unit operates under control of its own processing unit 34, ROM 40 which includes the operating program used by the remote control in controlling the television receiver, as well as the stored, preset labels, and RAM 42 which serves to store the channels to be assigned to stored labels, as well as user labels programmed into the system (Fig. 2, col. 4, line 27 to col. 5, line 26), and another feature of the television controller of the present invention is the provision of "Favorite Channels", this feature comprises a shortened scanning list of the ten (or fewer) favorite or most watched channels of the television operator (Fig. 7, col. 15, line 25 to col. 17, line 62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the remote controller with the favorite channel table as taught by Beery into Tessier et al's system in order to allow quick access to preselected favorite channels or programs.

In considering claim 6, the claimed wherein modifying the favorite channel table comprises deleting from the favorite channel table a channel corresponding to the



channel identification is met by the step 400 of delete channel from memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 7, the claimed wherein modifying the favorite channel table comprises adding to the favorite channel table a channel corresponding to the channel identification is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 8 is rejected for the same reason as discussed in claim 5.

In considering claim 9, Berry discloses all the claimed subject matter, note 1) the claimed sensing a user activating a predetermined key input on the remote control is met by the operator presses the "PGM" key at block 370, following by a "favorite channel" function key (Fig. 7, col. 15, line 46 to col. 16, line 51), 2) the claimed initiating the transmission of the channel request in response to sensing the predetermined key input is met by the operator may enter a channel number desired for inclusion in the FC memory at block 378, followed by the enter key at block 380 (Fig. 7, col. 15, line 46 to col. 16, line 51), and 3) the claimed basing the programming for modifying the favorite channel table on the predetermined key input is met by adding or delete the favorite channel of the memory (Fig. 7, col. 15, line 46 to col. 16, line 51).

In considering claim 10, the claimed wherein the predetermined key input consists of a single key input is met by the "PGM" key (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 11, the claimed wherein the programming for modifying the favorite channel table comprises programming for adding to the table a channel

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corresponding to the determined channel is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 12 is rejected for the same reason as discussed in claim 1.

In considering claim 13, the claimed comprising transmitting a request to receive the signal is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45 of Tessier et al).

In considering claim 14, the claimed wherein the signal comprises a visible light pattern flashed on a video display is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

In considering claim 15, the claimed wherein the signal comprises a serial transmission of data is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

Claim 16 is rejected for the same reason as discussed in claim 1.

Claim 17 is rejected for the same reason as discussed in claim 13.

Claim 18 is rejected for the same reason as discussed in claim 14.

Claim 19 is rejected for the same reason as discussed in claim 15.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
December 7, 2005



Trang U. Tran  
Examiner  
Art Unit 2614